

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

Case No. 09-CR-53

**NICHOLAS HARRISON, et al.,
Defendants.**

ORDER

On March 24, 2009, Attorney William Reddin filed a notice of appearance indicating that he has been retained to represent Nicholas Harrison in this matter, (Docket No. 30), and requested an extension of time to file pretrial motions, (Docket No. 29).

On March 6, 2009, this court entered a pretrial order establishing March 26, 2009 as the deadline for filing any pretrial motions in this case. (Docket No. 23.) This matter has been assigned to the Honorable J.P. Stadtmueller for trial and he has ordered the parties to submit a single final pretrial report no later than 2:00 PM on May 7, 2009, and ordered Mr. Harrison to inform the court no later than the close of business on May 8, 2009 if he intends to plead guilty. (Docket No. 18.) Judge Stadtmueller has also set a final pretrial conference for May 13, 2009, and a jury trial is scheduled to commence on May 18, 2009. (Docket No. 18.)

Attorney Reddin provides no reason as to why an extension of time is necessary other than to say, "that counsel has just been retained and is requesting additional time to obtain discovery and determine what, if any, motions may be appropriate." The recent appearance of successor counsel does not automatically lead to an extension of the deadline for filing pretrial motions. Mr. Harrison has had ample time to identify and retain counsel of his choice. A complaint was originally issued in this matter charging Mr. Harrison on January 27, 2009. Mr. Harrison first appeared before

Magistrate Judge Patricia Gorence on January 29, 2009. The indictment was returned on February 24, 2009, and the arraignment on that indictment was held on March 6, 2009.

However, in light of the fact that Judge Stadtmueller has set May 7, 2009 as the date on which the parties must submit a single final pretrial report, the court finds that there is room within the pretrial schedule for a limited extension of time in which to file pretrial motions. Attorney Reddin does not indicate how much additional time he would like to file pretrial motions in this case. Therefore, for good cause, the court shall **grant** a one-week extension. Accordingly, the pretrial motion schedule with respect to Mr. Harrison is modified as follows:

Pretrial motions due no later than **April 2, 2009**.

Responses due no later than **April 13, 2009**.

Any reply due no later than **April 17, 2009**.

Finally, in regard to the change in representation of Mr. Harrison, Attorney Daniel Stiller filed a Motion to Strike the Appearance of Counsel. (Docket No. 31.) This is based upon the Notice of Appearance filed by Attorney Reddin stating he has been retained. However, there is nothing on the record indicating that Mr. Harrison has consented to this change in representation. This is normally accomplished either in open court or by a motion for substitution which contains the consent of the defendant. The court will proceed on the basis that Attorney Reddin will promptly obtain such consent and file same with the court. Accordingly, Attorney Daniel Stiller, is hereby relieved of any further representation of Mr. Harrison. The Motion to Strike, (Docket No. 31), is **denied** as moot.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 25th day of March 2009.

s/ AARON E. GOODSTEIN
U.S. Magistrate Judge